

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

04 10885 PBS

Plaintiff,)
 v.) Court No.
 LUC F. JOSEPH,)
Defendant.)
 MAGISTRATE JUDGE Rein

RECEIPT # NIR
 AMOUNT \$ 0
 SUMMONS ISSUED YES
 LOCAL RULE 4.1 1
 WAIVER FORM 0
 MCF ISSUED 0
 BY DPTY. CLK. FOMY
 DATE 5/4/04

COMPLAINT

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, states as its complaint that:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, Luc F. Joseph (hereinafter "Joseph"), resides in the District of Massachusetts at 12 Commonwealth CT. Apt. #5, Brighton, MA 02135.
3. This is an action seeking recovery of funds owed to the United States of America by defendant under the National Research Service Award program, 43 U.S.C. § 288.
4. Joseph is indebted to the United States in the principal amount of \$8,800.00 plus interest computed at the rate of 13.875 percent per annum for a total amount of \$16,741.52 as of March 31, 2004. Thereafter, interest on the principal amount will accrue at the rate of 13.875 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
5. Joseph has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Joseph in the principal amount of \$8,800.00; plus interest in the amount of \$7,941.52; plus interest on this principal at an annual rate of 13.875 percent per annum until the date of judgment. The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:



CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3328

Dated: May 4, 2004



DEPARTMENT OF HEALTH & HUMAN SERVICES

Rockville MD 20857

EXHIBIT

ACERTIFICATE OF INDEBTEDNESS

Luc F. Joseph, M.D.
 % Children's Hospital Boston
 PHA, General Pediatrics
 300 Longwood Avenue
 Boston, MA 02115
 Ref: 10000779

Total debt due the United States of America as of March 31, 2004: \$16,741.52 (principal \$8,800.00, interest \$7,941.52, administrative costs \$0.00).

I certify that the Department of Health and Human Services' records show that the debtor named above is indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$8,800.00 after March 31, 2004, at the rate of 13.875%. Interest accrues on the principal amount of this debt at the rate of \$3.35 per day.

You received trainee awards under the provisions of 42 U.S.C. 288, as amended, for the National Research Service Award (NRSA) Program within the U.S. Public Health Service (PHS), Department of Health and Human Services (HHS). Subsequently, you received \$36,408.00 (stipends) for the periods beginning October 1, 1991, and ending September 30, 1995. Eliminating the legislative credit of twelve (12) months, and the NIH Revitalization Act credit of twenty-four (24) months, the amount subject to financial payback is \$8,800.00.

These awards were made upon the condition that within two (2) years after the termination of your award you engage in biomedical or behavioral research or teaching or any combination thereof in accordance with usual patterns of academic employment.

Your NRSA award was terminated on September 30, 1995. In accordance with Section 487 of the Public Health Service Act (42 U.S.C. 288) as amended, and the terms of your NRSA Payback Agreement, you were required to serve one month for each month of training. You were in training for forty-eight (48) months, less twelve (12) months legislative credit, less twenty-four (24) months Revitalization Act Credit; and were therefore required to begin twelve (12) months of obligated service on or before September 30, 1997.

You failed to submit the required Annual Payback Activities Certification form(s) containing pertinent employment information. Therefore, you were declared in breach of your NRSA Payback Agreement as of September 30, 1997, for failing to undertake appropriate payback service within two (2) years of the termination of your NRSA support.

In letters dated May 7, 1997, and October 15, 1998, you were informed that your Annual Payback Activities Certification forms had not been received. You were advised to respond regarding your plans for fulfilling your payback obligation. You did not respond.

Section 487 of the Public Health Service Act (42 U.S.C. 288) and the terms of your NRSA Payback Agreement require that your financial payback obligation must be paid within three (3) years of the date you breached your agreement. The amount the United States is entitled to recover is equal to the total stipend \$36,408.00, less \$8,800.00 resulting from the first twelve (12) months legislative credit, less \$18,808.00 from the twenty-four (24) months NIH Revitalization Act credit, totaling \$8,800.00 (plus interest) and was to have been paid in full by September 30, 2000.

PAGE 2 - CERTIFICATE OF INDEBTEDNESS - LUC F. JOSEPH, M.D.

By letter dated December 9, 1999, you were notified that payment in full must be received within thirty (30) days or your debt would be referred to the Internal Revenue Service (IRS), the U.S. Department of Treasury, and the U.S. Department of Justice (DOJ) for enforced collection. You did not make any payments, nor did you respond.

On January 11, 2000, you were advised that if you were unable to remit payment in full, you should complete the enclosed financial statement and return it within thirty (30) days. You were further advised that failure to do so would result in your debt being referred to the IRS, the U.S. Department of Treasury, and the DOJ for enforced collection. You did not make any payments, nor did you respond.

By letter dated February 2, 2000, you stated that you had fulfilled all your NRSA award obligations to the National Institute of Health.

You were notified by email dated February 8, 2000, that a copy of your letter had been forwarded to the grants office.

On February 17, 2000, you were sent the required Annual Payback Activities Certification form(s) to be completed and returned. You did not comply.

In a letter dated August 29, 2000, you were sent a final notice regarding your indebtedness to the United States under the referenced NRSA. You were notified that failure to respond within thirty (30) days would result in your account being referred to the DOJ. You did not make any payments, nor did you respond.

You were notified by letter dated February 19, 2003, that your debt was seriously delinquent, and that failure to remit payment in full or enter into a repayment agreement (RA) within thirty (30) days would result in your account being referred to a collection agency, the U.S. Department of Treasury, or the DOJ for enforced collection. You did not make any payments, nor did you respond.

By letter dated May 1, 2003, you were notified that your account had been referred to OSI Collection Services for collection. You were advised that your account would be referred to the DOJ if you failed to either remit payment in full or enter into a RA. You did not make any payments, nor did you respond.

A final notice regarding your debt was sent to you on March 10, 2004, in which you were advised that failure to submit full or partial payment within thirty (30) days would result in your debt being reported to consumer reporting agencies and your account being transferred to the U.S. Department of Treasury or the DOJ for enforced collection. You remained unresponsive.

The amount due should be remitted by check, draft or money order(s) payable to the "U.S. Department of Justice" and mailed directly to the United States Attorney, District of Massachusetts, One Courthouse Way, U.S. Courthouse, Suite 9200, Boston, MA 02210.

CERTIFICATION: Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

APR 16 2004

Date



Barry M. Blum
Chief, Referral Control Section
Debt Management Branch